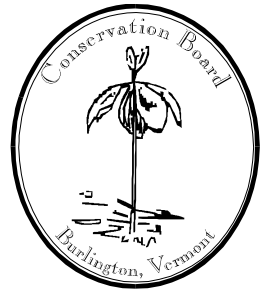


Burlington Conservation Board

149 Church Street
Burlington, VT 05401
<http://www.ci.burlington.vt.us/planning/>
Telephone: (802) 865-7189
(802) 865-7195 (FAX)

*Matt Moore, Chair
Will Flender, Vice Chair
Scott Mapes
Don Meals
Jeff Severson
Miles Waite
Damon Lane
Zoe Richards
Stephanie Young*



Conservation Board Meeting Minutes

Monday, November 7, 2016 – 5:30 pm
Planning & Zoning Conference Room – City Hall Lower Level
149 Church Street

Attendance

- **Board Members:** Zoe Richards (ZR), Matt Moore (MM), Jeff Severson (JS), Will Flender (WF), Damon Lane (DL), Miles Waite (MW), Scott Mapes (SM), Stephanie Young (SY), Don Meals (DM)
- **Absent:**
- **Public:** Mark Funari, Chris Bodette, 2 students
- **Staff:** Scott Gustin & Meagan Tuttle (Planning & Zoning) Jesse Bridges (Parks & Rec)

MM, Chair, called the meeting to order at 5:30 p.m.

Minutes

October 3, 2016 meeting minutes

A MOTION was made by MW and SECONDED by ZR:

Accept the October 3 meeting minutes as written.

Vote: 6-0-3, motion carries

Board Comment

JS, inquired as to the status of Frank von Turkovich's project at Colchester Ave and Fletcher Place. SG said he requested to defer to December.

Public Comment

None.

Open Space Subcommittee

WF noted that the subcommittee discussed one matter in executive session. They also reviewed the Episcopal Diocese application.

MM said that it is an application for funding for a conservation easement on property adjacent to Arms.

WF said that Lake Champlain Land Trust (LCLT) has been a client of his some years in the past. Nothing present or recently. No objections to his participation were raised.

Chris Bodette, LCLT, said Dan Cahill brought this matter to his attention and got the ball rolling. A draft easement is in place and includes the city as a partner in the process. The land is situated next to the High School and Arms. This is a very standard purchase of a conservation easement. There is a network of trails on the property that needs management. This is about 20 acres of land within the larger Diocese property.

The programs and services of the Dept. of Planning and Zoning are accessible to people with disabilities.
For accessibility information call 865-7188 (865-7142 TTY).

DM asked for clarification of the map and the proposed conservation area. DM asked about the access easement. Chris Bodette explained that it pertains to a future would-be drive to possibly link to the city's street network.

Jesse Bridges said Parks & Rec is gearing up for management of these trails.

DM, it looks like the cost of the conservation easement is a bit more than 2/3 of the total property value. Is that normal? MM responded that \$28.8 is the value of the easement. Chris Bodette said the fee simple property value was not appraised, just the easement.

ZR noted that this is a great project. We're getting 20 acres of very valuable conserved land. Trails and ecological values.

JS, it's just what the conservation fund was set up to do. It's being done in partnership with other entities. The land is contiguous with other undeveloped lands.

MW, what about trails maintenance?

Mr. Bridges, we have dedicated funding for the bike path. We've got 35 miles of trails on public property with a deficiency in maintenance. He's looking to meet with VYCC to see about engaging them in a trails maintenance effort. Getting site control here is key.

ZR, one of the ways to think about trails maintenance here is to think of it as active conservation. There may be some trail reduction and trail relocation. Think about appropriate trails in appropriate places.

A MOTION was made by JS and SECONDED by DM:

Move that we recommend funding of the request for \$19,720 from the Burlington Conservation Legacy Fund.

Vote: 9-0-0, motion carries

Update & Discussion

1. Follow up discussion with Mark Funari re: Riverside Ave rezoning

SG provided background info regarding PC then BCB review. Mr. Funari requested about a year ago that the Planning Commission consider changing the NAC-R/RCO zone boundary along Riverside Avenue to create more buildable area on his property. The Planning Commission has considered various iterations and sought comment from the Conservation Board over the summer. The Conservation Board declined to recommend approval of the change and instead suggested that additional intensity of development within the existing NAC-R zone be considered. Before the Planning Commission takes further action, Mr. Funari is seeking to address the matter with the BCB again.

Meagan Tuttle handed out maps of the area. She noted that city staff has visited the site. Staff is reluctant to rezone the property without a firm understanding of the geotechnical characteristics of the property.

Mark Funari said the entire length of Riverside Ave along the river was rezoned RCO with adoption of the CDO. He was told in 2007 that the city may consider rezoning in the future. That went by the wayside following adoption of the CDO. The value of development potential was taken away. He'd like to invite the Conservation Board to visit the site. The slope is a concern in places, but it is fairly level on his property.

___ said there is a wastewater treatment plant on the same "plateau" as the subject property. It could be a stunning place for a right-size residential development on the bus line without affecting the conservation zoning along the river.

ZR, what were we asked to comment on? Ms. Tuttle, the whole corridor. The proposal was to adjust the entire corridor and to include the buildable area calculation. That's what the Conservation Board was asked to consider. Staff and the PC were encouraged to consider higher intensity of development within the existing mixed use zone.

Ms. Tuttle, one of the considerations was to follow topo lines. Doing so, however, produced a boundary line that had a very limited impact on the degree of buildable land along the corridor. She noted the Conservation Board felt that integrity of the river corridor is very important.

MW, seeking to push out to 125' from the road centerline? Mr. Funari, yes. MW asked about buildable area provisions. Ms. Tuttle responded with the 15%-30% provisions relative to buildable area standards.

MM, Mr. Funari is looking for a site visit. This request is reasonable. Ms. Tuttle, there is no pressing deadline with the PC.

SM, is this really about shifting the line to accommodate development on what you believe is an appropriate area on the site? Mr. Funari, yes.

DM, our site visit is not a substitute for a geotechnical analysis.

SM would like to know from his ecologist companions their opinions about the ecological impacts of such a rezone.

JS, we could still recognize natural communities at a site visit this time of year.

DL, the end result would not necessarily be one alternative versus another. It could be something in between.

JS said he's totally fine going to the site.

MW, could this be considered spot zoning? Ms. Tuttle, the PC and staff do not want to adjust just these properties so as to avoid spot zoning. The entire corridor needs to be considered.

MM, do we need to take action on this? What is the purpose of our involvement?

Ms. Tuttle, the PC asked staff to reevaluate this. SM, sounds like we're advising staff.

A MOTION was made by MW and SECONDED by DM:

Hold a site visit (to be warned as a special meeting).

Vote: 9-0-0, motion carried.

2. Trails discussion

ZR introduced discussion of this item. She's been talking with Alicia Daniels, Dan Cahill, and Nick Warner about Burlington's open space areas and trails through them. It's in multiple ownership, but is underutilized and under-cared for. How we do a better job with this? The WVPD lands are well mapped and relatively easy to find. She'd like to make this a higher profile matter. She mentioned the Trail Around Middlebury as a reference point. The city has a large number of unmarked, unmapped trails. We have so much potential to make these great, accessible rec trails.

DM, the concept is better maps and signs. Does that lead to a more regulated system?

ZR, yes, but we also need to improve accessibility.

MW, a first step would be to show the different networks in their present layout.

JS suggested that Alicia Daniels would be a great asset for this initiative.

ZR said that a number of the property owners are open to providing access.

DM, at some point, we need to consider how regulated the trails will be. Do they need to be ADA accessible? Do they allow biking?

MM, it's a great opportunity for the board to be pro-active about what we do with our open lands and can also help to drive land protection efforts. The city's trails are severely lacking. It's an appropriate role for BCB to push for improvement.

ZR mentioned the mapping done in the OSPP. It is not an action plan, however.

MM said that this should be on the Parks Commission as well.

ZR said that she has also met with Jen Green, the city's Sustainability Coordinator. She feels that now is a great time to get this effort off the ground. ZR, we need to emphasize the conservation and trails initiative. Not just one versus the other.

JS thinks it's great to take on this initiative.

MM suggested that a motion be made to support the effort.

A MOTION was made by MM and SECONDED by ZR:

BCB supports the concept of a trails and conservation initiative that will live in the OSPP Sub committee

Vote: 9-0-0, motion carried.

3. Invasive species – draft permit conditions

WF introduced the item. He noted that over the summer fill was placed at Champlain Elementary School that contained knotweed in it. That got him and others on the Board interested in creating a standard to avoid contaminated fill. Beyond the condition, this provision should be in development contracts. He noted VT Agency of Ag already has a list of noxious plants that we can refer to.

MM asked if this condition would become standard. WF, would recommend that this be added as a standard condition to all zoning permits.

MW, can landscapers guarantee that topsoil is free of invasive species? WF does not know.

WF, if they have certified that there is no knotweed, and knotweed sprouts up, that will require action to remedy the situation.

MM, there are questions as to how it can be certified and whether it can be enforced.

SG noted process for incorporating this item as standard condition #16.

MW suggested adding "topsoil" to the condition.

JS also said that mulch should be noted as “straw” or other weed-free material. Hay has seeds. He also said that we don’t want a condition that no one in the business can meet. We need to consider what somebody in the business does. MW, said it’s not the landscape architect that gets the fill. It tends to be the contractor who obtains and places the fill.

WF will do some additional research as to whether this can be certified. SG will check with Attorney’s Office and Code Enforcement as to enforceability.

4. 2017 Meeting schedule

A MOTION was made by DL and SECONDED by SM

Accept with change to October 2.

Vote: 9-0-0, motion carried.

Adjournment

The meeting adjourned at 6:51 PM.